

many of others, is in accordance with the justice of the case, these depositions are to be returned with their proceedings, to the source from whence they derive their authority.

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[The Chancellor then proceeds to the consideration of the objection made to the return of the commissioners, for want of due notice, of the execution of the commission. After referring to the 14th and 51st sections of the act of 1820, chapter 191, the one requiring thirty days notice of the execution of the commission to be given, and the other declaring a statement in the proceedings, that due notice was given according to law, to be *prima facie* evidence of the same, and noting the fact of its having been stated in the return, that *reasonable notice* only was given, he continues :]

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I do not think this a compliance with the act of assembly, nor do I think there is any thing in the proceedings, or proof, which can break the force of this objection. The notice required by the act of assembly, and the notice, which may, in the judgment of the commissioners, be reasonable, are very different things. They must say, either that they gave at least thirty days notice, or due notice according to law, (which is the same thing substantially,) or to that effect, or their proceedings do not conform to the law. To say that the statement, that reasonable notice was given, is sufficient, would be to refer to the opinion of commissioners in each particular case, the reasonableness of the notice. It will readily be seen, how variable a practice this would introduce ; the extent of the notice in each case, depending upon the discretion of the commissioners, instead of the direction of the law.

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[No appeal was taken in this case.]